

REMARKS

Applicants respectfully request that the above-identified application be reexamined.

The Office Action mailed on June 4, 2004 ("Office Action") rejected all the claims in the application. In particular, Claims 13, 16, 23, 25, and 27 were objected to because of specific informalities. Claims 34-37 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1, 2, 4-8, 10, 12, 18-23, and 30-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Snell, *Sam's Teach Yourself the Internet in 24 Hours*, 3d. Ed., Chapter 7, "Playing Online Video, Music and Broadcasts" (Sam's Publishing, June 1999) (hereinafter "Snell"). Claims 1-8, 10, 12, 18-23, and 30-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hayward, U.S. Patent Application Publication No. US2004/0051812 A1 (hereinafter "Hayward").

In addition, the Office Action made multiple 35 U.S.C. § 103(a) rejections. Claims 9 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Price, U.S. Patent Application Publication No. US2002/0143973 A1 (hereinafter "Price"). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Murphy, U.S. Patent No. 6,564,381 (hereinafter "Murphy"). Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Cowart et al., *Special Edition Using Microsoft Windows 2000 Professional*, Chapter 12: "World Wide Web" (Que Corporation, February 2000) (hereinafter "Cowart"). Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Smith et al., U.S. Patent Application Publication No. US2002/0133247 A1 (hereinafter "Smith"). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Hunt et al., U.S. Patent Application Publication No. US2003/0072299 A1 (hereinafter "Hunt"). Claims 24-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Atkinson, U.S. Patent Application Publication No. US2002/0120879 A1 (hereinafter "Atkinson").

This response makes clarifying amendments to the language of the claims directed to obviating the Office Action's objections to Claims 13, 16, 25, and 27 because of specific informalities and the Office Action's rejections of Claims 34-37 under 35 U.S.C. § 101. For the reasons more fully discussed below, applicants respectfully submit that the rejection of Claims 1-37 in view of the teachings of the references noted above is in error, should be withdrawn, and this application allowed.

Prior to discussing the reasons why applicants believe the claims pending in this application are allowable, a brief discussion of the present invention and the major cited and applied references is presented. The following discussions of the present invention and the

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teachings of the applied references are not provided to define the scope or interpretation of any of the claims of this invention. Instead, they are provided to help the United States Patent and Trademark Office better appreciate important claim distinctions discussed hereafter.

Background of the Present Invention

Media is designed for distribution over the Internet in many forms and formats. Media players are software, resident on computers or the like, that interprets incoming media and converts the media into human perceivable form, i.e., into audio and video forms for outputting to a user. Because conventional Internet media players have their own unique media formats and user interface, in the past, media players have been incompatible. As a result, when a user downloads a particular type of media file, the user is also required to download the media player associated with the format of the particular media file. On the other hand, when a user chooses to download a new media player, every media type previously saved in the user's file is associated with the new media player. As a result, the user loses the use of older media players that the user previously downloaded. Further, if a user desires to listen to two media files that are associated with two different media players, the user has to switch between two different media players in order to satisfy the user's needs desires such switching requires the user to manage multiple windows in order to listen to different media files. Therefore, there is a need for a universal media player that improves a user's online media experience and eliminates the burdens placed on the user of juggling media played by different media players.

Summary of the Present Invention

The present invention provides a universal media player designed to improve a user's online media experience. The universal media player allows a user to navigate between different sources of media without requiring the downloading of the media player associated with the format of the media source.

The present invention provides a computer-implementable method of playing media designed for playing on various types of media players. The method includes providing a universal media player that has an interface with user-actuable control buttons, determining whether media to be downloaded associated with a dedicated media player is playable by the universal media player. If the answer is positive, the media is intercepted as the media is downloaded and the media is redirected to the universal media player. If the answer is negative, a default media player that can play the media is enabled.

In one implementation, the present invention provides a media type table of MIME. This table is searched to determine whether the media to be downloaded is or is not playable by the universal media player.

In accordance with further aspects of the present invention, in response to a request to change a media source, the universal media player determines the MIME type of the new media and instantiates a media component object for the media. When the instantiated media component object is ready, a second media player is initialized, the first media player is stopped and hidden, and the second media player is displayed.

Some embodiments of the present invention allow two universal media players to be locked and synchronized together. Preferably, synchronization is accomplished by the first user clicking on the uniform resource locator (URL) media link of the user's universal media player, after the user's universal media player is locked to a second user's universal media player. As a result, both universal media players receive the same media link, resulting in the users of both media players listening to the same sound or viewing the same video simultaneously. Alternatively, one user's universal media player can be the source of media played by a second user's universal media player. The locking and synchronizing of universal media players can also be used to provide video Internet meeting conferencing.

In summary, the present invention provides a universal media player that helps a user navigate between different media sources without downloading different media players. The present invention thus enables the user to use a single user interface having one set of control buttons regardless of the source of the media, providing the user with an uncluttered desktop. Some embodiments of the present invention also enable users of multiple universal media players to simultaneously listen to the same sound or view the same video.

Summaries of Key References

Summary of Snell

Snell purportedly teaches a user how to play online video, music, and broadcasts. More specifically, Snell teaches how to download different audio or video files and play them on different media players. The different media players mentioned by Snell are, for example, Windows Media Player®, Real Player®, and QuickTime Player®. Snell teaches that when a user plays a media file, the user's computer automatically uses the media player associated with the format type of the media file.

Snell uses the Windows Media Player® as an example to show that media players typically have buttons that mimic the functions of similar buttons on a VCR or tape recorder.

Snell teaches that a user can use these buttons to operate a media player to play a particular media file.

In summary, Snell teaches how to play different media type files using different media players. Nowhere does Snell teach a universal media player that allows a user to navigate between different types of media using only the universal media player. Nor does Snell teach the act of determining whether media to be downloaded associated with a dedicated media player is playable by the universal media player, intercepting the media as the media is downloaded and redirecting the media to the universal media player if the answer is affirmative, and enabling a default media player to play the media if the answer is negative. In addition, nowhere does Snell teach searching a media type table of MIME to determine whether the media to be downloaded associated with a dedicated media player is or is not playable by the universal media player. Further, nowhere does Snell teach that two universal media players can be locked and synchronized together.

Summary of Hayward

Hayward purportedly teaches a method of collecting data in connection with the retrieval of a media file. The method includes transmitting to a client system an embedded media player page for playing the media file and transmitting a media file identification message to a log server. The media file identification message identifies the media file. The log server then records that the media file has been selected for playback by a user in the log associated with the media file.

In essence, Hayward collects data from the use of an embedded media player to help content providers gauge audience interest. Data is generated to indicate whether a user allowed a media file to play through to completion or closed an embedded media player page prior to completion of the playing of the media file. Data is also generated to indicate whether a user has left an embedded media player page open after completion of the playing of a media file. Hayward teaches data collection from the use of an embedded media player in order to evaluate the popularity of a media file, the relevance of a media file to a search query, and to identify the interest level of users with respect to content that surrounds a media player embedded in a Web page. Such content can be advertisement.

In summary, Hayward provides an embedded media player page and sends a message to a log server whenever the embedded media player page is used. Hayward uses the data collected by the log server to indicate how the content in the embedded media player page is being used. Nowhere does Hayward teach the use of a universal media player that includes a media player interface with user-actuable control buttons. Nor does Hayward teach determining whether

incoming media to be played is playable by the universal media player. Neither does Hayward teach using a default media player capable of playing an incoming media upon determining that the incoming media is not playable by the universal media player. Further, nowhere does Hayward teach that two universal media players can be locked and synchronized together.

Summary of Price

Price purportedly provides a system and method for distributing via the Internet streaming media composed of a plurality of time-sequence data elements. The system has a server connected to the Internet for transmitting the data elements. Associated with the server are a buffer manager and a first-in first-out (FIFO) buffer for storing at least one of the data elements for transmission. Price presumes the existence of a data communication transport mechanism, such as the TCP protocol, for the reliable delivery of data in an ordered sequence from the source of the media data to the server or from the server to the media player software of the user computer. Price teaches a user computer associated with a media player software incorporating a user buffer and comprises means for receiving and storing a predetermined number of media data elements, which are received sequentially by the media player, playing the data out sequentially as audio and/or video and deleting media data elements from the user buffer as they are played out. As data is played out, the next sequential data elements are received from the server in such a fashion as to approximately maintain the predetermined number of data elements in the user buffer.

Therefore, the purpose of Price is to teach a system and method that secures the paced delivery of data elements from the server to the user computer. Nowhere does Price teach a universal media player that includes a media player interface with user-actuable control buttons. Nor does Price teach the act of determining whether an incoming media to be played is playable by the universal media player and enabling a default media player capable of playing the media in the case that the incoming media is not playable by the universal media player. Further, nowhere does Price teach that two universal media players can be locked and synchronized together.

Summary of Murphy

Murphy purportedly teaches a system for controlling, managing, and distributing live video feeds generated from multiple, remote-controlled video cameras installed onsite in locations distributed throughout a region of the world. Murphy does not teach a universal media player. Nor does Murphy teach the act of determining whether an incoming media is playable by

the media player file, or enabling a default media player to play the incoming media file in the case that the incoming media file is not playable by the universal media file.

Claims Distinguished

Claims Rejected Under 35 U.S.C. § 102(b)

The Office Action rejects Claims 1, 2, 4-8, 10, 12, 18-23, and 30-33 as being anticipated by Snell. The Office Action alleges that Snell teaches each and every limitation recited by these claims. Applicants respectfully disagree.

In its present form, Claim 1 reads as follows:

1. A computer-based implementable method of playing media designed for playing on various types of media players comprising:

(a) providing a universal media player that includes a media player interface with user actuatable control buttons;

(b) determining whether incoming media to be played is playable by the universal media player; and

(i) if the incoming media to be played is playable by the universal media player, intercepting the incoming media and directing the incoming media to the universal media player; or

(ii) if the media to be played is not playable by the universal media player, allowing the incoming media to enable a default media player capable of playing the media.

This subject matter is not taught or even remotely suggested by Snell. First, Snell does not teach providing a universal media player. Applicants have been unable to locate any pertinent subject matter in the portion of text (Figure 7.4 on page 3) in Snell referenced by the Office Action. In this portion of text, Snell uses the Windows Media Player® as an example to show that media players typically have buttons that mimic the functions of similar buttons on a VCR or tape recorder. Nowhere does Snell specifically teach providing a universal media player that helps a user to navigate between different media sources without downloading different media players. Secondly, even if, as suggested by the Office Action, the Windows Media Player® is the equivalent of the universal media player recited by the present invention, Snell does not teach determining whether an incoming media to be played is playable by a universal media player. Nor does Snell teach allowing the incoming media to enable a default media player capable of playing the media if the incoming media to be played is not playable by the

universal media player. Snell teaches downloading a media file, and the user computer automatically uses a program, i.e., a media player, it has that is assigned to play that type of media file. See Snell, page 2. Therefore, Snell does not teach the limitations recited by Claim 1.

Since Claims 2-32 depend from Claim 1, these claims are submitted to be allowable for at least the same reasons that Claim 1 is allowable. Further, some of these claims are submitted to be allowable for additional reasons. For example, Claim 2 recites determining the media type of the incoming media and searching a table of media types. Applicants submit that Snell does not teach or suggest this subject matter. The Office Action suggests that Snell discloses these limitations in that Snell shows that the computer system includes two media players, and each media player will automatically open any time the user clicks on a corresponding media file. See Office Action, page 5. Applicants respectfully disagree. Nowhere does Snell specifically teach determining the media type of an incoming media. Even if the act of determining the media type of an incoming media is implied in Snell, nowhere does Snell teach the use of a table of media types to determine the media type. As a result, dependent Claim 2 teaches additional limitations that are not taught or suggested by Snell. Therefore, Claim 2 is allowable in addition to the reasons that Claim 1, the claim from which Claim 2 depends, is allowable.

Applicants submit that Claim 1 is clearly allowable in view of Snell. Claim 33 is a computer-readable medium containing computer-implementable instructions for performing the method of any one of Claims 1-32. As the foregoing discussion has shown, Claims 1-32 are clearly allowable. Therefore, Claim 33 is allowable for the same reasons that Claims 1-32 are allowable.

Claims Rejected Under 35 U.S.C. § 102(e)

The Office Action rejects Claims 1-8, 10, 12, 18-23, and 30-37 under 35 U.S.C. § 102(e) as being anticipated by Hayward.

The Office Action alleges that Hayward teaches each and every element of Claim 1. Applicants respectfully disagree. In the portions of text (Figures 1-5; paragraphs 0001-0066) in Hayward cited by the Office Action, Hayward teaches a method of collecting data in connection with the retrieval of a media file. More specifically, Hayward teaches transmitting to a client system an embedded media player page for playing the media file and collecting data from the use of the embedded media player. Hayward does not teach or suggest a universal media player that includes a media player interface with user-actuable control buttons. Neither does Hayward teach or suggest determining whether an incoming media is playable by the universal media player. Nor does Hayward teach or suggest initiating a default media player capable of playing the incoming media if the incoming media is not playable by the universal media player.

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Therefore, Hayward does not teach or suggest the subject matter recited by Claim 1. As a result, Claim 1 is clearly allowable in view of Hayward.

Since Claims 2-8, 10, 12, 18-23, and 30-32 depend from Claim 1, these claims are submitted to be allowable for at least the same reasons that Claim 1 is allowable in view of Hayward. Further, some of these claims are submitted to be allowable for additional reasons. For example, Claim 2 recites determining the media type of the incoming media and searching a table of media types to determine whether the media type of the incoming media is playable by the universal media player. Nowhere does Hayward teach or suggest this subject matter. The Office Action alleges that Hayward discloses this subject matter in that it automatically embeds the proper media player in the embedded media player Web page in order to play the corresponding media file. See Office Action, page 10. Applicants respectfully disagree. Though Hayward seems to teach automatically embedding the proper media player into a Web page and transmitting the embedded media player page to the client system in order to play the corresponding media file, this teaching does not suggest or even remotely indicate that Hayward teaches determining the media type of the incoming media and searching a table of media types to determine whether the media type of the incoming media is playable by the universal media player. In particular, Hayward simply does not mention the use of a table of media types. Consequently, Hayward does not teach the additional subject matter recited by Claim 2. Applicants respectfully submit that Claim 2 is allowable for reasons in addition to the reasons why Claim 1 is allowable.

Further, the Office Action suggests that Hayward teaches the subject matter recited by Claim 3. Applicants respectfully disagree. Claim 3 recites that the table of media types recited by Claim 2 is a MIME table. The Office Action alleges that Hayward discloses this subject matter by teaching that the media files are in many different formats. See Office Action, page 10. There is simply no logical connection between Hayward's teaching that the media files are in many different formats and a MIME table of media types, the limitation recited in Claim 3. The Office Action has not shown that Hayward specifically teaches the use of a table of media types and that the table of media types is a MIME table. Consequently, applicants respectfully submit that Claim 3 is allowable for reasons in addition to the reasons why Claims 1 and 2, from which Claim 3 depends, are allowable.

Claim 33 is directed to a computer-readable medium containing computer-implementable instructions for performing the method of any one of Claims 1-32. Therefore, the reasons that Claims 1-32 are allowable are also applicable to Claim 33. Claims 35-37 depend from Claim 33 and are, therefore, submitted to be allowable for the same reasons that Claim 33 is allowable.

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Claims Rejected Under 35 U.S.C. § 103(a)

Claims 9 and 17

Claims 9 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Price.

As the discussion above shows, Hayward does not disclose every element of Claim 9 since Hayward fails to disclose the subject matter recited by Claim 1, from which Claim 9 depends.

The Office Action correctly concludes that Hayward fails to expressly disclose a universal media player that also plays media produced by a media disc, the subject recited in Claim 9. However, the Office Action asserts that Price makes up this deficiency. Applicants respectfully disagree. In the portion of text (Figures 1-3; paragraphs 0001-0051) in Price referenced by the Office Action, Price teaches that the user system receives data elements from a server buffer. Nowhere does Price specifically teach media produced by a media disc.

Furthermore, even if Price does teach a universal media player that plays media produced by a media disc—which applicants categorically deny—there is no teaching or suggestion in Hayward and Price, taken alone or in combination, why it would be obvious to combine the individual teachings of these references. As the discussion above shows, Hayward is directed to transmitting an embedded media player page for playing the media file to a client system and to transmitting a media file identification message to a log server to keep track of the usage of the embedded media player page. In contrast, Price is directed to transmitting media file data elements from the server buffer to the user system buffer. More importantly, as noted above, even if the cited references were combinable—which applicants categorically deny—the resulting combination would not anticipate the subject matter of Claim 9, when the subject of Claim 9 is considered in combination with the subject matter of Claim 1, from which Claim 9 depends. As a result, applicants respectfully submit that Claim 9 is clearly allowable for reasons in addition to the reasons why Claim 1 is allowable.

In its present form, Claim 17 recites:

17. The method of Claim 1, further comprising:
 - determining if the universal media player is remotely synchronized with another media player; and
 - if the universal media player is remotely synchronized with another media player, sending a remote navigation event to the other media player.

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This subject matter is not taught or even remotely suggested by either Hayward or Price. First, as noted above, Hayward does not teach the subject matter recited by Claim 1, from which Claim 17 depends. The Office Action correctly concludes that Hayward fails to disclose the subject matter recited by Claim 17. However, the Office Action alleges that Price makes up this deficiency. Applicants respectfully disagree. In the portion of text (Figures 1-7; paragraphs 0001-0051) of Price cited by the Office Action, applicants have been unable to locate any pertinent subject matter recited in Claim 17. In this portion of text, Price teaches a system and method for distributing to the Internet streaming media composed of a plurality of time-sequence data elements. The system has a server connected to the Internet. The server has a buffer that stores the data elements for transmission. Meanwhile, a user system connects to the server via the Internet. As soon as a user system connects to the server, the server transmits audio/video data as sequential data elements from the server buffer to the buffer of the user system, as long as the data connection will allow. See Price, paragraphs 0038-0043. Nowhere does Price teach synchronizing one universal media player with another media player. Nor does Price teach sending a remote navigation event to the other media player upon deciding that one universal media player is remotely synchronized with the other media player. Therefore, nowhere does Hayward or Price, taken alone or in combination, teach the subject recited by Claim 17.

Furthermore, there is no teaching or suggestion in Hayward and Price, taken alone or in combination, why it would be obvious to combine the individual teachings of these references. More importantly, as noted above, even if these references were combinable—which applicants categorically deny—the resulting combination would not anticipate the subject matter of Claim 17 when the subject matter of Claim 17 is considered in combination with the subject matter of Claim 1, from which Claim 17 depends. As a result, applicants respectfully submit that Claim 17 is clearly allowable for reasons in addition to the reasons why Claim 1 is allowable.

Claim 11

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Murphy.

As noted above, Hayward does not disclose every element of Claim 1, from which Claim 11 depends. The Office Action correctly concludes that Hayward fails to disclose the subject matter recited by Claim 11, that is, the universal media player also plays media in the form of a video telephone call. The Office Action suggests that Murphy makes up this deficiency. Applicants respectfully disagree. Applicants have not been able to find any pertinent subject matter in the portions of Murphy (Figures 1-11; Col. 1, line 1-Col. 22, line 2) cited by the

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Office Action. In this portion of text, Murphy teaches an Internet-based network system for controlling, managing, and administering the commercial distribution of live video feeds from large numbers of onsite video cameras to large numbers of production companies at other locations. Though Murphy does mention that video telephone calls can be part of live video feeds, nowhere does Murphy teach the use of a universal media player. Therefore, Murphy does not teach every limitation recited by Claim 11.

Furthermore, there is no teaching or suggestion in Hayward and Murphy, taken alone or in combination, why it would be obvious to combine the individual teachings of these two references. More importantly, as noted above, even if these references were combinable—which applicants categorically deny—the resulting combination would not anticipate the subject matter of Claim 11 when the subject matter of Claim 11 is considered in combination with the subject matter of Claim 1, from which Claim 11 depends. As a result, applicants respectfully submit that Claim 11 is clearly allowable for reasons in addition to the reasons why Claim 1 is allowable.

Claim 13

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Cowart.

As discussed above, Hayward fails to disclose every element of Claim 1, from which Claim 13 depends. Therefore, Hayward fails to disclose every element of Claim 13. As the Office Action correctly concludes, Hayward fails to disclose the subject matter recited by Claim 13, that is, displaying an idle media player interface prior to when the incoming media is ready to be played.

Cowart does not make up for the failure of Hayward to teach the subject matter recited in Claim 1. For example, Cowart does not teach a universal media player. Nor does Cowart teach determining whether the incoming media is playable by the universal media player and enabling a default media player if the answer is negative. As a result, even though Cowart seems to teach displaying an idle media player interface prior to when the incoming media is ready to be played, Hayward and Cowart combined do not teach every element of Claim 13 since neither of the references teaches the subject matter recited in Claim 1, from which Claim 13 depends.

Claims 14 and 16

Claims 14 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Smith.

As discussed above, Hayward does not disclose every element of Claim 1. The Office Action correctly concludes that Hayward fails to disclose the subject matter recited by Claim 14.

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However, the Office Action alleges that Smith makes up this deficiency. Even if Smith does teach switching two media players to play two different media files, Smith still does not make up for the failure of Hayward to teach or suggest the subject matter of Claim 1. For example, Smith does not teach a universal media player. Nor does Smith teach the act of determining whether an incoming media is playable by the universal media player and enabling a default media player if the answer is negative. Therefore, neither Hayward nor Smith teaches the subject matter recited in Claim 1, from which Claim 14 depends. Hence, even if it is obvious to combine Smith with Hayward—which applicants categorically deny—the resulting combination would not anticipate the subject matter of Claim 14 when the subject matter of Claim 14 is considered in combination with the subject matter of Claim 1. As a result, Claim 14 is clearly allowable.

Similarly, even if Smith does teach the subject matter recited by Claim 16, because neither Smith nor Hayward teach the subject matter of Claim 1, from which Claim 16 depends, Hayward and Smith combined fail to teach the subject matter of Claim 16 when the subject matter of Claim 16 is considered in combination with the subject matter of Claim 1. As a result, Claim 16 is also submitted to be allowable.

Claim 15

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Hunt.

As the discussion above shows, Hayward does not teach every element of Claim 1, from which Claim 15 indirectly depends. And as the Office Action correctly concludes, Hayward fails to disclose the subject matter recited by Claim 15, that is, determining whether a time to establish connection has timed out. However, the Office Action alleges that Hunt makes up this deficiency and that the combined teaching of Hayward and Hunt makes Claim 15 obvious. Applicants respectfully disagree. Hunt teaches techniques for transmitting graphics images in a network environment. The amount of data of the graphics image to be transmitted for each of the graphics images is customized in accordance with server supplied information. Hunt teaches enabling graphics images to be transmitted more flexibly and efficiently. Hunt aims to make significantly better and more intelligent use of the available bandwidth of the network environment. In contrast, the present invention provides a universal media player designed to improve a user's online media experience with regard to media files such as audio and video files. Applicants submit that one of ordinary skill in the art would not be motivated to combine Hayward's teaching with that of Hunt. Accordingly, applicants submit that there is no motivation for one of ordinary skill in the art to combine the teachings of Hayward and Hunt. The Office Action fails to point out any teaching or suggestion in the references related to the

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desirability of combining their individual teachings. The rejection of Claim 15 uses hindsight reasoning based on the present disclosure to "produce" the claimed invention.

More importantly, as noted above, even if these references were combinable—which applicants categorically deny—the resulting combination would not anticipate the subject matter of Claim 15 when the subject matter of Claim 15 is considered in combination with Claims 1 and 14, from which Claim 15 depends. As a result, applicants respectfully submit that Claim 15 is clearly allowable for reasons in addition to the reasons why Claims 1 and 14, are allowable.

Claims 24-29

Claims 24-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward in view of Atkinson.

As the above discussion shows, Hayward fails to disclose every element of Claim 18, from which Claims 24-29 depend. The Office Action correctly concludes that Hayward fails to disclose the subject matter recited by Claims 24-29. However, the Office Action alleges that Atkinson makes up this deficiency. Applicants respectfully disagree.

Atkinson teaches a method and a system for enabling a low power consumption audio CD player mode on a portable computer where the Central Processing Unit ("CPU") is put into suspend mode and the audio CD is allowed to play. Without this mode, a typical computer would only play CDs for about two to three hours; with this mode, performance of 10-15 hours on a battery charge is possible. Hayward, on the other hand, is directed to collecting data in connection with the retrieval of a media file through an embedded media player page to help content providers gauge audience interest. Applicants submit that one of ordinary skill in the art would not be motivated to combine the teachings of Atkinson and Hayward. There is simply no teaching or suggestion in Hayward and Atkinson, taken alone or in combination, why it would be obvious to combine the individual teachings of these references. More importantly, as noted above, even if Hayward and Atkinson were combinable—which applicants categorically deny—the resulting combination would not anticipate the subject matter of Claims 24-29 when the subject matter of these claims is considered in combination with the subject matter of Claims 1 and 18, from which Claims 24-29 depend. As a result, applicants respectfully submit that Claims 24-29 are clearly allowable for reasons in addition to the reasons why Claims 1 and 18 are allowable.

CONCLUSION

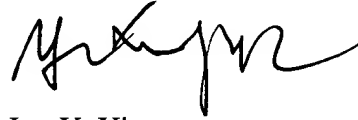
In view of the foregoing comments, applicants respectfully submit that all of the claims in this application are clearly allowable in view of the cited and applied references. Consequently, early and favorable action allowing these claims and passing this application to

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issue are respectfully solicited. If the Examiner has any questions, the Examiner is invited to contact applicants' attorney at the number set forth below.

Respectfully submitted,

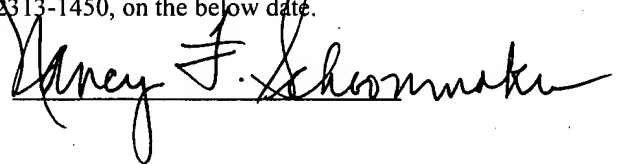
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Date: 9/3/04



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